

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNEDY,

Plaintiff.

v.

Civil No. 3-18-cv-00767

DUTCAVICH,

et al.,

Defendants.

Memorandum of Points and Authorities in Support of Plaintiff's Motion  
to Compel Assigned Magistrate to Recuse for Cause

Take Judicial Cognizance

Take Judicial Notice

1. Plaintiff is Edward Thomas Kennedy, one of the people of Pennsylvania, in this court of record, wishes the Magistrate assigned to administrate this case to recuse from the case for cause pursuant to 28 U.S.C. § 455(a). Pursuant to 28 U.S.C. § 455(a), recusal is mandatory in "any proceeding in which his impartiality might reasonably be questioned."<sup>1</sup>

2. Kennedy reasonably questions judicial impartiality of the Magistrate in this case due to the controversy concerning the fact that the job title is not authorized in the Judiciary Act of 1789.<sup>2</sup>

3. Kennedy also notices this court of General Orders No. 100: The Lieber Code<sup>3</sup>

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<sup>1</sup> RIPPO v. BAKER, <https://www.law.cornell.edu/supremecourt/text/16-6316#>, and see also Rippo v. Baker, 137 S. Ct. 905 - Supreme Court 2017, link here: [https://scholar.google.com/scholar\\_case?case=16357450812613744876&q=RIPPO+v.+BAKER,+&hl=en&as\\_sdt=6,39](https://scholar.google.com/scholar_case?case=16357450812613744876&q=RIPPO+v.+BAKER,+&hl=en&as_sdt=6,39)

<sup>2</sup> The Judiciary Act of 1789, officially titled "An Act to Establish the Judicial Courts of the United States," was signed into law by President George Washington on September 24, 1789. Article III of the Constitution established a Supreme Court, link here: <https://www.loc.gov/rr/program/bib/ourdocs/judiciary.html>

<sup>3</sup> [http://avalon.law.yale.edu/19th\\_century/lieber.asp](http://avalon.law.yale.edu/19th_century/lieber.asp)

and Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh Military concerning Law vs Criminal Law.<sup>4</sup>

4. Recuse herein means said Magistrate as unacceptable to be a judge in this case and is mandatory under US law
5. Summary: Under the Law of the Case, Exhibit 1, filed in this case by Kennedy and pursuant to 28 U.S.C. § 455(a), recusal is mandatory in “any proceeding in which his impartiality might reasonably be questioned.” Kennedy hereby reasonably questions said Magistrates’ impartially, and respectfully wishes Magistrate Schwab to recuse from this case due to the current, long-term, ongoing controversy on the public record public which may prejudice the trial jury, and thus exceeds the government's jurisdiction and injures Kennedy in loss of rights.

This summary statement is not an Appeal.

Date: December 7, 2018

Respectfully submitted,

/s/ *Edward Thomas Kennedy* seal

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<sup>4</sup> link here: [https://www.youtube.com/watch?v=3\\_gmOsnjrZw&index=25&list=WL&t=0s.](https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s.), Case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here:<http://law2.umkc.edu/faculty/projects/trials/conlaw/hamdi.html>.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Assigned Magistrate to Recuse for Cause was served upon the Magistrate and the Clerk of this court by ECF on December 7, 2018, also known as Pearl Harbor Day.

Date: December 7, 2018

*/s/ Edward Thomas Kennedy*

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Edward Thomas Kennedy